

## The Honorable Robert Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HASSAN HIRSI, an individual,  
Plaintiff,  
v.  
THE HERTZ CORPORATION, a Delaware  
corporation, HERTZ TRANSPORTING, INC.,  
Delaware corporation, FIREFLY RENT A CAR  
LLC, a Delaware company and DTG  
OPERATIONS, INC., an Oklahoma  
corporation,  
Defendants.

Case No. 2:16-cv-00333 RSL

**ORDER GRANTING PLAINTIFF'S  
MOTION FOR ATTORNEY'S FEES,  
COSTS AND CLASS  
REPRESENTATIVE'S INCENTIVE  
AWARD**

THE HERTZ CORPORATION, a Delaware corporation, HERTZ TRANSPORTING, INC, a Delaware corporation, FIREFLY RENT A CAR LLC, a Delaware company and DTG OPERATIONS, INC., an Oklahoma corporation,

WHEREAS, Plaintiff has submitted authority and evidence supporting Plaintiff's Motion for Attorney's Fees, Costs and Class Representative's Incentive Award; and

WHEREAS, the Court, having considered the pleadings on file and being fully advised, finds that good cause exists for entry of the Order below; now, therefore,

IT IS HEREBY FOUND, ORDERED, ADJUDGED, AND DECREED THAT:

1. Unless otherwise provided herein, all capitalized terms in this Order shall have the same meaning as set forth in the Plaintiff's Motion for Attorney's Fees, Costs and Class Representative Incentive Award.

2. The Court having appointed Badgley Mullins Turner, PLLC and the Law Offices of Daniel Whitmore as Class Counsel.

3. Class Counsel has requested the Court award \$96,074.20, an amount equal to

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1 Defendants The Hertz Corporation, Hertz Transporting, Inc., Firefly Rent-A-Car, LLC, and DTG  
2 Operations, Inc. (collectively, “Hertz” or “Defendants”)’s contribution towards Class Counsel’s  
3 attorney’s fees.

4       4. These requested attorney’s fees are fair and reasonable under RCW 49.48.030 and  
5 the Ordinance (“SeaTac Municipal Code Chapter 7.45”). The Court reaches this conclusion after  
6 analyzing: (1) the results Class Counsel achieved; (2) Class Counsels’ risk in this litigation; (3)  
7 the complexity of the issues presented; (4) the hours Class Counsel worked on the case; (5) Class  
8 Counsels’ hourly rate; (6) the contingent nature of the fee; and (7) awards made in similar cases.  
9

10      5. Class Counsel has submitted authority and declarations to support the Court’s  
11 lodestar cross-check.

12      6. Class Counsel reasonably expended more than 259.36 hours on the investigation,  
13 preparation, filing, and settlement of Plaintiff’s claims. Their detailed time records are based on  
14 contemporaneous records of hours worked. Class Counsel exercised billing judgment and billed  
15 efficiently.

16      7. Class Counsels’ hourly rates - \$565.00 for Duncan Turner, \$495.00 for Daniel  
17 Whitmore, and \$310.00 for Mark Trivett – are reasonable hourly rates considering their  
18 individual “experience, skill, and reputation,” *see Trevino v. Gates*, 99 F.3d 911, 924 (9th Cir.  
19 1996) and the prevailing market rates in this jurisdiction. *See Blum v. Stenson*, 465 U.S. 886, 895  
20 (1984).

22      8. Applying these rates to the number of hours reasonable expended in litigation,  
23 Class Counsels’ lodestar is approximately \$97,718.96. This lodestar reflects work and expenses  
24 that were reasonable and necessarily expended on the pursuing Plaintiff’s claim and that are  
25 estimated to occur in concluding the case.  
26

1           9. Here, Plaintiff pursued the action under a remedial Washington employment  
2 statute and a local minimum wage ordinance. Class Counsel pursued this action on a contingency  
3 fee basis and assumed the risk that if they were unsuccessful, they would receive no  
4 compensation for their work on the certified questions or settlement negotiations. This action  
5 was one of the first to seek recovery of wages owed under the Ordinance, and thus, the potential  
6 existed for a long and protracted litigation as the Court addressed novel legal issues.

7           10. Class Counsel performed high-quality work, resulting in an extremely favorable  
8 collective settlement for Class Members. Class Members recovered the entirety of their owed  
9 wages arising under the Ordinance with interest. This is an excellent result for the Class.  
10

11          11. Defendants agreed to pay Settlement Amount of Six Hundred Forty Thousand,  
12 Four Hundred Ninety-Four Dollars, and Sixty-Seven Cents (\$640,494.67) to the Class Members,  
13 inclusive of any attorney's fees and costs. The litigation expenses and settlement notice and  
14 administration fees and costs incurred by Class Counsel were reasonable, necessary, and  
15 appropriately documented in the declarations filed by Class Counsel.

16          12. This Court also award \$1,000.00 to Plaintiff Hassan Hirsi as an incentive award  
17 for serving as the class representative.  
18

19          13. Based on the foregoing findings and analysis, the Court awards Class Counsel  
20 \$96,074.20 in attorney's fees.  
21

22           Dated this 4th day of December, 2018.  
23

24             
25           HONORABLE ROBERT S. LASNIK  
26

1 PRESENTED BY:

2 BADGLEY MULLINS TURNER PLLC

3 /s/ Duncan C. Turner

4 Duncan C. Turner, WSBA # 20597  
19929 Ballinger Way NE, Suite 200  
Seattle, WA 98155  
Telephone: (206) 621-6566  
Facsimile: (206) 621-9686  
Email: [dturner@badgleymullins.com](mailto:dturner@badgleymullins.com)

5 **Attorneys for Plaintiff and Class**

6  
7 LAW OFFICE OF DANIEL R. WHITMORE

8 /s/ Daniel R. Whitmore

9 Daniel R. Whitmore, WSBA #24012  
10 2626 15th Avenue West, Suite 200  
Seattle, WA 98119  
11 Telephone: (206) 329-8400  
Facsimile: (206) 329-84001  
12 Email: [dan@whitmorelawfirm.com](mailto:dan@whitmorelawfirm.com)

13 **Attorneys for Plaintiff and Class**

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**BADGLEY MULLINS TURNER PLLC**  
19929 Ballinger Way NE, Suite 200  
Seattle, WA 98155  
TEL 206.621.6566  
FAX 206.621.9686